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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 * * *

11 In re:

12 CAPRIATI CONSTRUCTION CORP. INC.

13 Debtor.

CASE NO.: BK-15-15722-abl

Chapter 11

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15
16 **NOTICE OF APPEAL AND STATEMENT OF ELECTION**

17 **Part 1: Identify the appellant(s)**

18 1. Name(s) of appellant(s):

19 Capriati Construction Corp. Inc.

20 2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of
21 this appeal:

22 For appeals in an adversary proceeding.

23 ☐ Plaintiff

24 ☐ Defendant

25 ☐ Other (describe)

For appeals in a bankruptcy case and not in
an adversary proceeding.

☒ Debtor

☐ Creditor

☐ Trustee

☐ Other (describe)

26 **Part 2: Identify the subject of this appeal**

27 1. Describe the judgment, order, or decree appealed from: Order Denying Motion for Contempt
28 of Court; and for Sanctions and Attorney's Fees for Creditor Sper Inc.'s Willful Violation of: (1)

the Plan Injunction/Discharge Pursuant to 11 U.S.C. §524 and §1141; and (2) the Automatic Stay Pursuant to 11 U.S.C. §362 ("Motion") [ECF No. 851]

2. State the date on which the judgment, order, or decree was entered: June 16, 2017

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: SPER, Inc.

Attorney: Susan Frankewich, Esq.

3202 West Charleston Blvd.

Las Vegas, NV 89102

(702) 855-2088

2. Party: SPER, Inc.

Attorney: H. Stan Johnson, Esq.

Cohen, Johnson, Edwards, Parker

255 E. Warm Springs Road, Ste. 100

Las Vegas, NV 89119

(702) 823-3500

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

Signature of attorney for appellant(s)
(or appellant(s) if not represented by an attorney)

Date: June 29, 2017

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

A.J. Kung, Esq.

KUNG & BROWN

214 South Maryland Pkwy.

Las Vegas, NV 89101

(702) 382-0883

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.